

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.1208 of 2020

- Manappuram Finance Limited Manappuram House, P.O. Valapad, Thrissur (Kerala), Represented By Mr. Jerome I, Shri Irudhyaswamy, Aged About 32 Years, R/o Badaipara Ist Floor, Ward No. 17, Raj Health Clinic, Ramsagar Para Road, Raipur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station - Saraswati Nagar, Raipur, District- Raipur Chhattisgarh

---- Respondent

For petitioner	: Mr. Pragalbha Sharma, Advocate.
For respondent/State	: Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

12-01-2021

Heard.

1. This petition under Section 482 of Cr.P.C. has been brought praying for modification of the order dated 26.04.2019 passed in Criminal Appeal No.157/2018.
2. It is submitted by the learned counsel for the petitioner that by the order dated 26.04.2019, the prayer of the petitioner for grant of interim custody of the seized property is allowed. The prayer of the applicant was allowed and it was directed that he shall be granted interim custody of the seized property i.e. gold ingots on furnishing of surety of Rs.10,00,000/-.
3. It is submitted, that the applicant prays for grant of final custody of the seized property. The co-accused- Arun Kumar, who is at present absconding and his arrest and completion of trial appears to be a remote issue. In the alternative, it is also submitted that furnishing of surety by the applicant is not possible, because the applicant is a

company based in Kerala and no person has agreed to become a surety for the company, therefore, the order regarding furnishing of surety may be modified so that the order passed by this Court can be complied with.

4. Learned State counsel opposes and submits that this Court has passed the order granting the interim custody of the seized property, therefore, the applicant should furnish the surety as ordered.
5. Considered on the submissions, the applicant in this case and the appellant in criminal appeal No.157/2018 is a finance company and therefore, he is a juristic person. A prayer made regarding modification of the order of the interim custody to final custody cannot be allowed, because that opinion has been expressed by this Court after considering all the circumstances of the case. However, the prayer made regarding modification of the other part of the order regarding furnishing of surety can be entertained. Hence, the petition is allowed in part.
6. The order regarding furnishing of surety of Rs.10,00,000/- for the release of seized property is modified. It is ordered that on the furnishing of bond of Rs.10 Lakhs by a Senior Officer of the applicant company and Supurdnama in that respect, the gold ingots regarding which the order of interim custody has been made in the previous order be given on interim custody to the applicant. This Supurdnama shall remain effective till the trial of absconding accused is completed.
7. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge